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By: Senators Garagiola, Brochin, and Giannetti Introduced and read first time: January 23, 2004 Assigned to: Judicial Proceedings					
Sena	Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 23, 2004				
	CHAPTER				
1	AN ACT concerning				
2 3	Criminal Procedure - Police Officers - United States Park Police - Authority to Enforce Maryland Law in National Park System				
4 5 6 7 8 9 10 11 12 13	FOR the purpose of adding members of the United States Park Police to the list of police officers authorized to make arrests, conduct investigations, and otherwise enforce State law with a certain exception throughout the State without limitations as to jurisdiction; and generally relating to police officers in the State granting a United States Park Police officer certain powers to enforce Maryland law within areas of the National Park System; authorizing a United States Park Police officer to issue a citation under certain circumstances; requiring the United States Park Police to reimburse the District Court for the printing of certain citation forms; and generally relating to the authority of the United States Park Police.				
14 15 16 17 18	BY repealing and reenacting, without amendments, Article - Criminal Procedure Section 2-101(a) and 2-102(b) 2-104 Annotated Code of Maryland (2001 Volume and 2003 Supplement)				
19 20 21 22 23	BY adding to Article - Criminal Procedure Section 2-104.1 Annotated Code of Maryland (2001 Volume and 2003 Supplement)				

24 BY repealing and reenacting, with amendments,

1 2 3 4	Article - Criminal Procedure Section 2-101(e) 4-101 Annotated Code of Maryland (2001 Volume and 2003 Supplement)						
5 6		BE IT ENACTED BY THE GENERAL ASSEMBLY OF at the Laws of Maryland read as follows:					
7		Article - Criminal Procedure					
8	2-101.						
9	(a) In thi	s title the following words have the meanings indicated.					
10 11	(c) "Police law to make arrest	ce officer" means a person who in an official capacity is authorized by s and is:					
12	(1)	a member of the Department of State Police;					
13	(2)	a member of the Police Department of Baltimore City;					
14	(3)	a member of the Baltimore City School Police Force;					
15	(4)	a member of the police department, bureau, or force of a county;					
16 17	corporation; (5)	a member of the police department, bureau, or force of a municipal					
	(6) Maryland Port Ad Police Force;	a member of the Maryland Transit Administration Police Force, ministration Police Force, or Maryland Transportation Authority					
21 22	(7) University Police	a member of the University of Maryland Police Force or Morgan Stat Force;					
23 24	(8) maintain order on	a special police officer who is appointed to enforce the law and or protect property of the State or any of its units;					
25	(9)	a member of the Department of General Services security force;					
26 27	(10) arrests;	the sheriff of a county whose usual duties include the making of					
28 29	(11) by the county and	a regularly employed deputy sheriff of a county who is compensated whose usual duties include the making of arrests;					
30 31	(12) Natural Resources	a member of the Natural Resources Police Force of the Department of					

2	(13) Comptroller's Office;	an authorized	employee of the Field Enforcement Division of the
3	(14) Commission Park Pol		he Maryland-National Capital Park and Planning
5	(15)	a member of the	he Housing Authority of Baltimore City Police Force;
6	(16)	a member of the	he Crofton Police Department;
9		ons under Articl	he WMATA Metro Transit Police, subject to the le XVI, § 76 of the Washington Metropolitan ich is codified at § 10 204 of the Transportation
11	(18)	a member of the	he Internal Investigative Unit of the Department;
12 13	(19) Department of Natura		he State Forest and Park Service Police Force of the
14 15	(20) Police Force; [or]	a member of the	he Department of Labor, Licensing, and Regulation
16 17	(21) Force; OR	a member of the	he Washington Suburban Sanitary Commission Police
18	(22)	A MEMBER (OF THE UNITED STATES PARK POLICE.
19	2-102.		
	officer may make arr	ests, conduct in	limitations of paragraph (3) of this subsection, a police exestigations, and otherwise enforce the laws of ut limitations as to jurisdiction.
	(2) authority granted by police officer's sworr	this section to e	oes not authorize a police officer who acts under the enforce the Maryland Vehicle Law beyond the
26	(3)	A police office	er may exercise the powers granted by this section when:
	with officials from ar of which has local jur		the police officer is participating in a joint investigation leral, or local law enforcement unit, at least one
30 31	officer;	2.	the police officer is rendering assistance to another police
32 33	or State Police office	3. r; or	the police officer is acting at the request of a police officer
34		4.	an emergency exists; and

1 2	adopted by the	(ii) police officer's		ee officer is acting in accordance with regulations ago unit to carry out this section.
		5 801, 5 802, 5	807, 5 80	red by this section are in addition to the powers 18, and 5 901 of the Criminal Law Article and Y Subtitle 3 of this title.
6	<u>2-104.</u>			
7 8	(<u>a)</u> <u>Ir</u> <u>may:</u>	this section, "	federal lav	w enforcement officer" means an officer who
9 10	States Code; a		n arrest w	ith or without a warrant for violations of the United
11	<u>(2</u>	2) <u>carry fi</u>	rearms in	the performance of the officer's duties.
12 13	(b) (1) federal law en			nitations of paragraph (2) of this subsection, a
14		<u>(i)</u>	make ar	rests as set forth in Subtitle 2 of this title; and
15 16	the laws of the	(ii) State.	execute	arrest and search and seizure warrants issued under
17 18	this subsection		al law enf	orcement officer may exercise the powers granted by
19 20	investigation v	(<u>i)</u> vith officials fr		ral law enforcement officer is participating in a joint or local law enforcement unit;
21 22	police officer;	<u>(ii)</u>	the feder	ral law enforcement officer is rendering assistance to a
23 24	local police of	(iii) ficer or State P		ral law enforcement officer is acting at the request of a er; or
25		<u>(iv)</u>	an emer	gency exists.
	(c) (1) granted by this enforcement a	section shall r		Forcement officer who acts under the authority following persons of an investigation or
29 30	municipal corp	(i) poration;	<u>1.</u>	the chief of police, if any, or chief's designee, when in a
31 32	when in Baltin	nore City;	<u>2.</u>	the police commissioner or police commissioner's designee
33 34	with a county	police departm	3. ent, excep	the chief of police or chief's designee, when in a county t Baltimore City;

1 2	a county police department;	<u>.</u>	the sheriff or sheriff's designee, when in a county without
	<u>-</u>	ed, lea	the Secretary of Natural Resources or Secretary's sed, operated by, or under the control of the
8	property owned, leased, operated	by, or	the respective chief of police or chief's designee, when on under the control of the Maryland viation Administration, or Maryland Port
			partment of State Police barrack commander or an agreement otherwise with the Department
15	investigation with officials from	a Stat e notic	l law enforcement officer participates in a joint e or local law enforcement unit, the federal law ce required under paragraph (1) of this
17 18	7 (d) A federal law enfor 3 this section:	cemen	at officer who acts under the authority granted by
19	(1) has the sai	ne leg	al status as a police officer;
20 21			tections as a police officer under § 2-608 of the documents against police officers; and
22 23	2 (3) has the sai 3 Courts Article.	ne imi	munity from liability described in § 5-611 of the
			ose liability on or require indemnification by the performed by a federal law enforcement officer
27	7 <u>2-104.1.</u>		
		ΓΑΤΙΟ	ICE OFFICER MAY MAKE ARRESTS, CONDUCT DNS, AND OTHERWISE ENFORCE THE LAWS OF THE ATIONAL PARK SYSTEM.
31	<u>4-101.</u>		
32	2 (a) (1) <u>In this sec</u>	tion th	e following words have the meanings indicated.
			on" means a written charging document that a police adant, alleging the defendant has committed a

1 2	statement of charges.	<u>(ii)</u>	"Citation" does not include an indictment, information, or		
3	<u>(3)</u>	"Fire M	Fire Marshal" means:		
4		<u>(i)</u>	the State Fire Marshal;		
5		<u>(ii)</u>	a Deputy State Fire Marshal; or		
6		<u>(iii)</u>	as designated under § 6-304 of the Public Safety Article:		
7			1. an Assistant State Fire Marshal; or		
8			2. <u>a Special Assistant State Fire Marshal.</u>		
9	<u>(4)</u>	"Police	officer" has the meaning stated in § 2-101 of this article.		
		MAY EX	S OF THE NATIONAL PARK SYSTEM, A UNITED STATES PARK ERCISE THE AUTHORITY OF A POLICE OFFICER TO ISSUE A ECTION.		
13 14	3 (C) (1) Subject to paragraph (2) of this subsection, in addition to any other 4 law allowing a crime to be charged by citation, a police officer may issue a citation for:				
15 16	intoxicated person ur	<u>(i)</u> nder Artic	sale of an alcoholic beverage to an underage drinker or cle 2B, § 12-108 of the Code;		
17 18	Law Article, if the ar	(ii) nount of	malicious destruction of property under § 6-301 of the Criminal damage to the property is less than \$500;		
19 20	the Criminal Law Ar	(iii) ticle; or	disturbing the peace or disorderly conduct under § 10-201 of		
21 22	Article.	<u>(iv)</u>	misdemeanor theft under § 7-104(g)(2) of the Criminal Law		
	officer is satisfied withat the defendant wi	th the det	e officer may issue a citation to a defendant if the [police] Gendant's evidence of identity and reasonably believes with the citation.		
26 27 28	[(c)] (D) other law allowing a citation for:	(1) crime to	Subject to paragraph (2) of this subsection, in addition to any be charged by citation, a fire marshal may issue a		
29 30	10-110 of the Public	(i) Safety A	discharging fireworks without a permit under § 10-104 or § rticle;		
31 32	fireworks under § 10	(<u>ii)</u> -104 or §	possessing with intent to discharge or allowing the discharge of 10-110 of the Public Safety Article; or		

1 2	Article.	(iii)	maintaining a fire hazard under § 6-317 of the Public Safety		
	with the defendant's e will comply with the	vidence o	narshal may issue a citation if the fire marshal is satisfied of identity and reasonably believes that the defendant		
6	[(d)] (E)	<u>(1)</u>	This section does not apply to a citation that is:		
	adopted by a State un of the Transportation		authorized for a violation of a parking ordinance or a regulation ical subdivision of the State under Title 26, Subtitle 3		
10 11	1-205 of the Natural	(ii) Resource	authorized by the Department of Natural Resources under § s Article; or		
14		or public	authorized by Baltimore City under § 16-16A (special tode of Public Local Laws of Baltimore City for violation to local law of Baltimore City concerning building, oning, or sanitation.		
16 17	(2) District Court shall p		as otherwise expressly provided by law, the Chief Judge of the a uniform, statewide form of a citation.		
20	8 (3) Except for the uniform motor vehicle citation form, the law 9 enforcement agencies of the State, THE UNITED STATES PARK POLICE, and the Office 1 of the State Fire Marshal shall reimburse the District Court for printing the citation 2 forms that law enforcement officers and the Fire Marshal require.				
22 23	SECTION 2. AN October 1, 2004.	D BE IT	FURTHER ENACTED, That this Act shall take effect		